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House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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May 23, 2007

The Honorable Henry A. Waxman
Chairman
Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Waxman:

We are writing to urge you to refocus the Committee's investigation into political briefings by White House officials on investigative actions designed to obtain information on the purported subject of the investigation -- actual political briefings. Instead of seeking such information, you have made multiple requests (and issued subpoenas) for information relating to the use of nongovernmental email systems that far exceed the legitimate needs of the Committee.

While you believe this information is necessary to assess compliance with the Presidential Records Act ("PRA") and the Hatch Act, it appears that these requests will have the consequence of causing the Republican National Committee ("RNC") and the 2004 Bush Cheney campaign ("BC '04") to conduct endless searches at great expense. Thus, we are poised to commit the same sin as you accused then-Chairman Burton of in 1997: "[T]he real objective may not be the truth, but to drive the Democratic Party further into debt."¹

Whether evidence relating to the political briefings is contained in RNC and BC '04 emails can only be determined by looking at actual emails sent or received on the RNC or the BC '04 systems and determining whether the particular emails contain such

¹ Opening Statement, Henry A. Waxman, Ranking Member, Committee on Government Reform and Oversight, White House Compliance With Committee Subpoenas (Nov. 6 and 7, 1997).

information. Such a review would first require agreement on appropriate terms for searching actual emails.

We have, to date, been unable to agree to appropriate search terms. Instead, you have demanded at various times, the names, titles, and email addresses of all White House users of RNC and BC '04 email accounts, the total number of emails sent or received by White House officials using these accounts, and the number of emails sent to or received from ".gov" email addresses. Your May 18, 2007 letter to the RNC reflects an extraordinary list of information for the RNC to produce -- all before you even get to searching for actual emails.

While you believe that obtaining this information will "facilitate a productive discussion . . . regarding the most efficient and effective response to the Committee's requests for email communications,"² the cost of these searches and the time involved in doing them has proved to be an ineffective and inefficient means of obtaining relevant information about the political briefings. Indeed, since BC '04 had no operations during 2006 and 2007 (when the political briefings occurred), it is not even clear what BC '04's emails, much less the information from the searches you have requested, can contribute to this investigation.

The RNC has already spent hundreds of thousands of dollars collecting this interim information without any end in sight. Just recently, your staff asked the RNC for a daily tally of email usage by each White House official. **Even when you get that, you will have no more information about the political briefings than when you began.** We believe requiring these broad searches and our inability to agree to relevant search terms has resulted in an overreach of the Committee's investigative authority that is unnecessary to achieve our objectives.

To obtain information about political briefings contained in RNC or BC '04 emails, we propose the following:

1. Developing appropriate search terms, including date limitations, for actual emails sent to or received by White House officials on their RNC and BC '04 accounts relating to the political briefings under investigation;
2. Allowing the RNC and BC '04 to review the emails captured by the search for responsiveness to the Committee's requests relating to the political briefings;

² Letter from Henry A. Waxman, Chairman, Committee on Oversight and Government Reform, U.S. House of Representatives, to Mike Duncan, Chairman, Republican National Committee, at 2 (Apr 18, 2007).

3. Allowing the White House to review for its interests all emails captured by the search terms and identified by the RNC and BC '04 as responsive;
4. Requiring production of all emails discovered by the search that relate to political briefings under investigation, except those for which the White House claims an interest; and
5. Negotiating appropriate accommodations with the White House regarding the remaining responsive emails.

This process will result in the production of actual emails that relate to the political briefings and may also provide insight into any attempts to deliberately evade the PRA in connection with the political briefings. If more information is required after we see what is produced, we will be in a position to broaden our searches, if necessary. The current approach promises only more needless searches and expense for the RNC and BC '04.

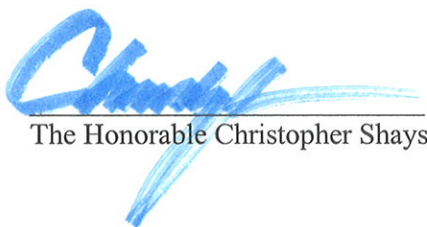
Your basic inquiries constitute legitimate exercises of the Committee's oversight authority. We believe that developing specific search guidelines will continue to keep this investigation above suspicion and on a legitimate high road.

We urge you to accept this proposal to move this investigation forward.

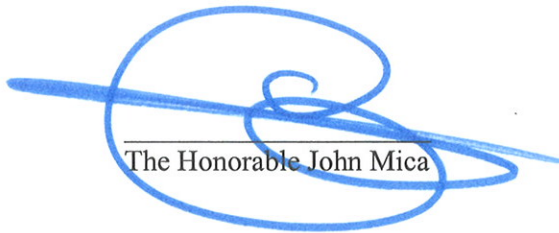
Sincerely,



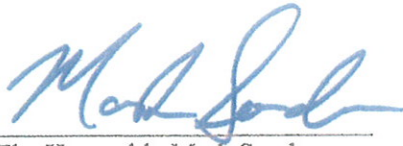
Tom Davis, Ranking Member



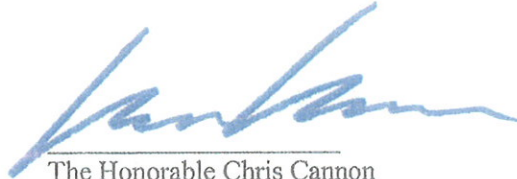
The Honorable Christopher Shays



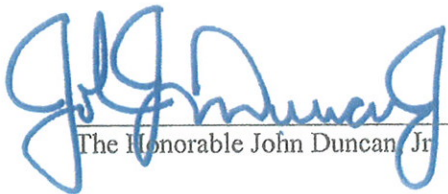
The Honorable John Mica



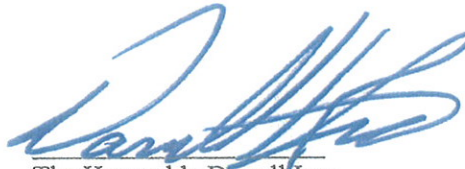
The Honorable Mark Souder



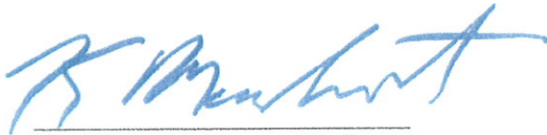
The Honorable Chris Cannon



The Honorable John Duncan, Jr.



The Honorable Darrell Issa



The Honorable Kenny Marchant



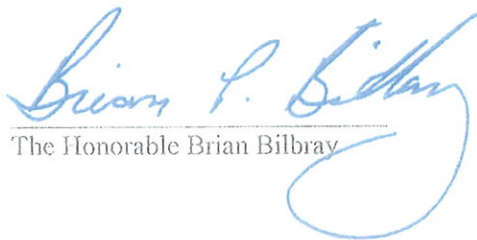
The Honorable Lynn Westmoreland



The Honorable Patrick McHenry



The Honorable Virginia Foxx



The Honorable Brian Bilbray



The Honorable Bill Sali



The Honorable Jim Jordan